

Senate Study Bill 3021 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED STATE PUBLIC
DEFENDER BILL)

A BILL FOR

1 An Act relating to the appointment of counsel for indigent
2 persons by the court in certain cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 815.10, subsection 1, paragraph b, Code
2 2022, is amended to read as follows:

3 b. An indigent person is entitled to the appointment of
4 one attorney in all cases, except ~~that~~ the court may appoint
5 two attorneys in class "A" felony cases ~~the court may appoint~~
6 ~~two attorneys~~ and in cases where an assistant state public
7 defender from the wrongful convictions division of the office
8 of the state public defender is appointed. However, in a class
9 "A" felony case, a person who is represented by a privately
10 retained attorney or by an attorney who has agreed to represent
11 the person is not entitled to have an attorney appointed to
12 represent the person based upon the indigence of the person.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill relates to the appointment of counsel for indigent
17 persons by the court in certain cases.

18 Current law provides that an indigent person is entitled to
19 the appointment of one attorney in all cases, except that in
20 class "A" felony cases the court may appoint two attorneys.

21 The bill provides that in addition to cases involving class
22 "A" felonies, the court may also appoint two attorneys when one
23 of the court-appointed attorneys is an assistant state public
24 defender from the wrongful convictions division of the office
25 of the state public defender.